

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(CAMDEN VICINAGE)**

CREIGH BATTLE, <i>Plaintiff,</i> v. CAESARS, <i>Defendants.</i>	Civil Action No.: 1:21-cv-15921
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NOTICE OF REMOVAL

Defendant, Bally's Park Place LLC (improperly designated as "Caesars"), hereby gives notice to the Court, pursuant to 28 U.S.C. §1446(b) of the removal of this action which has been pending in the Superior Court of New Jersey, Law Division, Atlantic County under Docket No.: ATL-L-1425-21 (the State Action). The removal to this Court, Camden Vicinage, is proper for the reasons set forth below:

1. Plaintiff, Creigh Battle, is a citizen of the State of New Jersey with a principal residence in Salem County, New Jersey. Defendant, Bally's Park Place LLC, improperly pled as "Caesars" is a limited liability company with a single member, CEOC, LLC, which, itself, is a limited liability company with a single member Caesars Resort Collection, LLC, which, itself, is a limited liability company with a single member, Caesars Growth Partners, LLC, which, itself, is a limited liability company with a single member, Caesars Holdings, Inc., which is a Delaware corporation, with its principal place of business located in Nevada.

2. This matter was originally filed in the Superior Court, Law Division, Atlantic County bearing docket number ATL-L-1425-21. **See Exhibit "A"**.

3. Plaintiff filed his Complaint against the defendant to recover for injuries he alleges to have suffered a result of a physical altercation on the dance floor which occurred on May 21, 2019 inside the Wild West nightclub of Bally's Hotel & Casino in Atlantic City, NJ. **See Exhibit**

“A”.

4. This is a civil action of which the United States District Court has original jurisdiction pursuant to 28 U.S.C. §1332(a)(1) (diversity).

5. Pursuant to U.S.C. §1332(c)(1), a corporation shall be deemed to be a citizen of every State and foreign State by which it has been incorporated and the State or foreign State where it has its principal place of business.

6. This entire matter is one which may be removed to this Court by virtue of the provisions of 28 U.S.C. §1441(a) and in accordance with 28 U.S.C. §1446.

7. This court is one of proper venue pursuant to 28 U.S.C. §1391(a)(2) because the alleged violation occurred in the State of New Jersey.

8. Venue in the Camden vicinage is proper as the incident occurred at the Bally's property located in Atlantic City, New Jersey.

9. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal has been filed with the Clerk of the Superior Court of New Jersey, Law Division, Atlantic County and written notice given to the Plaintiff.

10. This Court has original jurisdiction pursuant to 28 U.S.C. Section 1332 and, upon information and belief, the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs. Specifically, the Plaintiff alleges damages and has provided a demand of \$100,000.00. See Plaintiff's Demand for Damages attached hereto as **Exhibit “B”**.

11. Copies of all process, pleadings and orders served upon the Defendant by the Plaintiff is attached to this Notice of Removal as **Exhibit "A"**.

12. The Notice of Removal is filed within thirty days of the date that Defendant,

Bally's Park Place, LLC, was served with the Complaint this matter. Removal was therefore timely filed in accordance with 28 U.S.C. §1446(b).

WHEREAS, the Defendant, Defendant, Bally's Park Place LLC (improperly designated as "Caesars"), respectfully gives notice to this Court with the request for the removal of the State Action in the Superior Court of New Jersey, Law Division, Atlantic County, to the United States District Court of New Jersey, Camden Vicinage.

SWEENEY & SHEEHAN

By: /s/ Giacomo F. Gattuso, Esquire

Giacomo F. Gattuso, Esquire
Attorney for Defendant, BALLY'S PARK
PLACE, LLC (*improperly designated as*
"CAESARS")

DATED: August 24, 2021